

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL D.S. EDWARDS,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
JACKIE GLASS, DISTRICT JUDGE,
Respondents,
and
PROFESSIONAL COLLECTION
CONSULTANTS, A/K/A PCC; AND
DONALD K. HOPP, II,
Real Parties in Interest.

No. 51421

FILED

FEB 05 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This is an original proper person petition for a writ of mandamus challenging a district court order denying petitioner's motion to amend his complaint in a consumer protection action.


On December 16, 2008, we issued an order to show cause why this petition should not be dismissed as moot because it appeared that a final judgment had been entered in the underlying case from which an appeal may be taken. Petitioner filed his response on December 24, 2008, and real parties in interest filed their reply to petitioner's response on January 9, 2009.¹ Petitioner's response acknowledges that the district court has entered an order dismissing his complaint. Petitioner further notes that he subsequently filed a motion to vacate the dismissal and for a new trial in the district court, which has been opposed by real parties in


¹We deny petitioner's motion to strike real parties in interest's reply as being untimely by two days.

interest. This court may issue a writ of mandamus to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, NRS 34.160, or to control a manifest abuse of discretion. Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981). A writ of mandamus is an extraordinary remedy and whether we will consider such relief is within our sole discretion. Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). A writ will not issue when the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). This court has previously held that an appeal from a final judgment is a speedy and adequate remedy that precludes the writ relief. Pan, 120 Nev. at 224, 88 P.3d at 841. Because the underlying action has been dismissed, petitioner has a speedy and adequate remedy available in the form of an appeal from a final judgment. Id. at 225, 88P.3d, at 841. Accordingly, our intervention by way of extraordinary relief is not warranted, Smith, 107 Nev. 674, 818 P.2d 849, and we

ORDER the petition DENIED.²


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

²In light of our decision, we deny as moot petitioner's request for a stay.

cc: Hon. Jackie Glass, District Judge
Paul D.S. Edwards
Bullivant Houser Bailey
Eighth District Court Clerk